

Evicted Tenants (Ireland) Bill.

LORDS AMENDMENTS TO COMMONS AMENDMENTS TO LORDS AMENDMENTS AND LORDS REASONS FOR INSISTING ON CERTAIN OF THEIR AMENDMENTS AND DIS- AGREEING TO CERTAIN OF THE COMMONS AMENDEMENTS.

The Lords do not insist on their amendment in clause 1, page 1, lines 5 to 13, to leave out subsection (1), to which the Commons have disagreed, but propose to amend the subsection as follows :

Page 1, line 8, leave out (" of the land ")

line 9, leave out (" the fair market value thereof ") and insert (" the compensation for the loss which would be sustained by the owner by being deprived thereof ")

line 10, after (" may ") insert (" subject to the provisions as to the appeal contained in this Act ")

The Lords insist on their amendment in clause 1, page 2, line 4, for the following reason :

Because the number of evicted tenants eligible for re-instatement under the Bill has been estimated not to exceed two thousand.

The Lords insist on their amendment in clause 1, page 2, line 15, and also on their amendment in lines 16 to 21, for the following reason :

Because it is undesirable that tenants who have purchased or agreed to purchase or are *bona fide* cultivating their holdings, should be disturbed.

The Lords disagree to the amendments made by the Commons in page 2, lines 12 and 19, for the following reason :

Because these amendments are consequential on the omission of the words on which the Lords now insist.

[Bill 331.]

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The Lords insist on their amendments in page 3, line 3, line 11, and lines 17 and 18, for the following reason :

Because these amendments are consequential on those made by the Lords in subsection (1) of clause 1.

The Lords agree to the amendment made by the Commons in page 3, line 23, with the following amendment :

Leave out ("the purchase money shall within the prescribed
"time") and insert ("amount of the compensation shall
"within six months after the expiration of the time limit d
"for the presentation of petitions")

The Lords do not insist on their amendment in clause 2, page 3, line 30, to which the Commons have disagreed, but propose to insert the following amendment in lieu thereof.

Leave out from ("thereon") to the end of the subsection (d) and insert :

(8)—(a) Any person aggrieved by any order or proceeding of the Estates Commissioners under this Act may within the time and in the manner prescribed by rules to be made as herein-after provided, apply as he shall elect, either to the King's Bench Division of the High Court of Justice in Ireland, or to the Judges of Assize for the county in which the lands sought to be acquired, or the greater part thereof, are situated, to hear and determine any question of law or fact arising out of any such order or proceeding, including any question of law or fact under section one, subsection three, and section six. Every such application shall be heard and determined by one of the Judges of Assize for the said county, or by one of the Judges of the King's Bench Division, to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court. Upon the hearing of every such application the Judge shall have power and authority to hear and determine all questions of law and fact that may arise, including the adequacy of the compensation awarded by the said order, and he may give judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit :

- (b) Upon the hearing of every such application the said Judge shall have the jurisdiction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at Nisi Prius, including the power to administer an oath, and to compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just:
- (c) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provisions of the Lands Clauses Consolidation Act, 1845, applicable to the compulsory purchase of land, and for the purposes of the said application before the said Judge, the Estates Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act: Provided that no additional allowance shall be made in respect of the purchase being compulsory:
- (d) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by section seven of the Act of 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject:
- (e) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application:
- (f) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as aforesaid may be consolidated, and heard together, and for the more convenient, speedy, or proper hearing of

any such applications, may order that the hearing of the same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred :

- (g) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland :
- (h) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below :
- (i) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard, the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of the said application, as if the same were an action at law pending in the said division :
- (j) The provisions of section twenty-three of the Act of 1903 shall apply to this Act so far as the same are not inconsistent with the provisions of the latter. Provided that a question of law which has been decided by a Judge of the High Court or of Assize, or by the Court of Appeal under the provisions of this Act shall not after the date of such decision, be referred for decision to the Judicial Commissioner nor while a question of law is awaiting decision in any application pending before such a Judge, shall the same question of law

be referred for decision to the Judicial Commissioner, unless at the request of some person who is neither a party to nor interested in the matter of the said application :

- (k) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purposes of the Land Purchase Acts be deemed to be the price to be paid for the purchase thereof :
- (l) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland :
- (9) If all questions under all petitions have been determined in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands, and if it appears to the Estates Commissioners that they cannot re-sell the land for the purposes of this Act without incurring a greater loss than that authorised by the Lord Lieutenant, with the consent of the Treasury, they may at any time within six weeks after the determination of the amount of the compensation by notice in writing signify to such owner that it is not their intention to acquire the land, and in such case the Estates Commissioners shall pay to the owner compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the proceedings, but if no such notice is given within the said period, the Land Commission shall, within six months after such determination, pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners shall make an order vesting the lands in the Land Commission.

The Lords disagree to the amendments made by the Commons in page 3, line 34, and page 4, line 4, for the following reason :

Because the Appeal tribunal provided by the Lords further amendment will be more effective.

The Lords insist on their amendment in page 5, line 5, for the following reason :

Because it is consequential on the amendment made by the Lords in page 3, line 30.

The Lords disagree to the amendments made by the Commons in page 5, line 6, and lines 7 and 8, for the following reason :

Because these amendments are inconsistent with the Lords proposal respecting the Appeal tribunal.

The Lords insist on their amendment in page 5, line 32, for the following reason :

Because the words struck out would unduly restrict the land proposed to be exempted from the operation of the Bill.

The Lords insist on their amendment to insert a new clause after clause 6 for the following reason :

Because it is expedient that sporting rights should be reserved in the manner proposed by the Lords amendment.

The Lords do not insist on their amendment to leave out clause 13, but propose to amend the said clause by inserting after ("shall") in page 6, line 39 ("from and after the passing of this " Act ").

With the foregoing exceptions the Lords do not insist on their amendments to which the Commons have disagreed, and agree to the amendments made by the Commons.

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[Bill 381.]